

search, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

SUBCHAPTER V—ANIMAL HEALTH AND DISEASE RESEARCH

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3103, 3124a of this title.

§ 3191. Congressional findings and declaration of purpose

It is the purpose of this subchapter to promote the general welfare through the improved health and productivity of domestic livestock, poultry, aquatic animals, and other income-producing animals which are essential to the Nation's food supply and the welfare of producers and consumers of animal products; to improve the health of horses; to facilitate the effective treatment of, and, where possible, prevent, animal and poultry diseases in both domesticated and wild animals which, if not controlled, would be disastrous to the United States livestock and poultry industries and endanger the Nation's food supply; to minimize livestock and poultry losses due to transportation and handling; to protect human health through control of animal diseases transmissible to humans; to improve methods of controlling the births of predators and other animals; and otherwise to promote the general welfare through expanded programs of research and extension to improve animal health. It is recognized that the total animal health and disease research and extension efforts of the several State colleges and universities and of the Federal Government would be more effective if there were close coordination between such programs, and it is further recognized that colleges and universities having accredited schools or colleges of veterinary medicine and State agricultural experiment stations that conduct animal health and disease research are especially vital in training research workers in animal health.

(Pub. L. 95-113, title XIV, § 1429, Sept. 29, 1977, 91 Stat. 1001; Pub. L. 97-98, title XIV, § 1426, Dec. 22, 1981, 95 Stat. 1309.)

AMENDMENTS

1981—Pub. L. 97-98 substituted “schools or colleges of veterinary medicine and State agricultural experiment stations that conduct animal health and disease research” for “colleges of veterinary medicine or departments of veterinary sciences or animal pathology, and similar units conducting animal health and disease research in the State agricultural experiment stations,”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3199 of this title.

§ 3192. Definitions

When used in this subchapter—

(1) the term “eligible institution” means an accredited school or college of veterinary medicine or a State agricultural experiment station that conducts animal health and disease research;

(2) the term “dean” means the dean of an accredited school or college of veterinary medicine;

(3) the term “director” means the director of a State agricultural experiment station which qualifies as an eligible institution;

(4) the term “Board” means the Animal Health Science Research Advisory Board; and

(5) the term “animal health research capacity” means the capacity of an eligible institution to conduct animal health and disease research, as determined by the Secretary.

(Pub. L. 95-113, title XIV, § 1430, Sept. 29, 1977, 91 Stat. 1002; Pub. L. 97-98, title XIV, § 1427, Dec. 22, 1981, 95 Stat. 1309.)

AMENDMENTS

1981—Par. (1). Pub. L. 97-98 substituted “an accredited school or college of veterinary medicine or a State agricultural research experiment station that conducts animal health and disease research” for “any college or university having an accredited college of veterinary medicine or a department of veterinary science or animal pathology, or a similar unit conducting animal health and disease research in a State agricultural experiment station”.

Par. (2). Pub. L. 97-98 substituted “an accredited school or college of veterinary medicine” for “a college or university which qualifies as an eligible institution”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

§ 3193. Authorization to Secretary of Agriculture

(a) Authority to cooperate with, encourage, and assist States

In order to carry out the purpose of this subchapter, the Secretary is authorized to cooperate with, encourage, and assist the States in carrying out programs of animal health and disease research at eligible institutions in the manner hereinafter described in this subchapter.

(b) Study of animal care delivery system

(1) The Secretary shall commission the National Academy of Sciences, working through the Board on Agriculture of the National Research Council, to conduct a study of the delivery system utilized to provide farmers, including small and limited resource farmers, and ranchers with animal care and veterinary medical services, including animal drugs.

(2) The study required by this subsection shall assess opportunities to—

(A) improve the flow of information to producers regarding animal husbandry practices, and diagnostic and treatment methods, including the costs and conditions necessary for the effective use of such practices and methods;

(B) foster achievement of food safety goals; and

(C) advance the well-being and treatment of farm animals, with particular emphasis on disease prevention strategies.

(3) The study required by this subsection shall include recommendations for changes in research and extension policies or priorities, food safety programs and policies, and policies and procedures governing the approval, use, and monitoring of animal drugs.

(Pub. L. 95-113, title XIV, § 1431, Sept. 29, 1977, 91 Stat. 1002; Pub. L. 101-624, title XVI, § 1611(a), Nov. 28, 1990, 104 Stat. 3720.)

AMENDMENTS

1990—Pub. L. 101-624 amended section catchline generally, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 3194. Animal Health Science Research Advisory Board

(a) Establishment and membership

The Secretary shall establish a board to be known as the Animal Health Science Research Advisory Board which shall have a term that expires September 30, 1995, and which shall be composed of the following 12 members—

(1) a representative of the Agricultural Research Service of the Department of Agriculture,

(2) a representative of the Cooperative State Research Service of the Department¹ of Agriculture,

(3) a representative of the Animal and Plant Health Inspection Service of the Department of Agriculture,

(4) a representative of the Center for Veterinary Medicine of the Food and Drug Administration of the Department of Health and Human Services, and

(5) eight members appointed by the Secretary—

(A) two persons representing accredited colleges of veterinary medicine,

(B) two persons representing State agricultural experiment stations,

(C) one person representing an organization concerned with the general protection and well-being of animals, and

(D) three persons representing national livestock and poultry organizations.

The members shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services for the Board, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5.

(b) Duties

The Board shall meet at the call of the Secretary, but at least once annually, to consult with and advise the Secretary with respect to the implementation of any animal health and disease research program provided for under this chapter, under such rules and procedures for conducting business as the Secretary may prescribe.

(Pub. L. 95-113, title XIV, § 1432, Sept. 29, 1977, 91 Stat. 1002; Pub. L. 96-88, title V, § 509(b), Oct. 17,

1979, 93 Stat. 695; Pub. L. 97-98, title XIV, § 1428, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, § 1414(a), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, § 1611(b), Nov. 28, 1990, 104 Stat. 3721; Pub. L. 102-237, title IV, § 402(8), Dec. 13, 1991, 105 Stat. 1863.)

REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (b), see note set out under section 3102 of this title.

AMENDMENTS

1991—Pub. L. 102-237 made technical amendment to section involving underlying provision of original act, which required no change in text.

1990—Pub. L. 101-624, § 1611(b)(1), made technical amendment to section catchline which required no change in text.

Subsec. (a). Pub. L. 101-624, § 1611(b)(1), (2)(A), (B), inserted heading, and in introductory provisions substituted “1995” for “1990” and “12” for “eleven”.

Subsec. (a)(4). Pub. L. 101-624, § 1611(b)(2)(C), substituted “Center for” for “Bureau of”.

Subsec. (a)(5). Pub. L. 101-624, § 1611(b)(2)(D), substituted “eight” for “seven” in introductory provisions, struck out “and” at end of subpar. (B), added subpar. (C), and redesignated former subpar. (C) as (D).

Subsec. (b). Pub. L. 101-624, § 1611(b)(3), added subsec. (b) and struck out former subsec. (b) which read as follows: “The Board shall meet at the call of the Secretary, but at least once annually, to consult with and advise the Secretary with respect to the implementation of this subchapter and to recommend immediate priorities for the conduct of research programs authorized under subchapter, under such rules and procedures for conducting business as the Secretary shall, in the Secretary’s discretion, prescribe.”

1985—Subsec. (a). Pub. L. 99-198 substituted “1990” for “1985”.

1981—Subsec. (a). Pub. L. 97-98 extended term of Animal Health Science Research Advisory Board to Sept. 30, 1985, from former termination date of five years from date of its establishment.

CHANGE OF NAME

“Department of Health and Human Services” substituted for “Department of Health, Education, and Welfare” in subsec. (a)(4) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

§ 3195. Continuing animal health and disease research programs

(a) Authorization of appropriations

There are authorized to be appropriated such funds as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed \$25,000,000 for each of the fiscal years 1991 through 1995, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year. Funds appropriated under this section shall be used: (1) to meet expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to the provisions of section 331 of this title; (2) for administrative planning and direction; and (3) to purchase equipment and supplies necessary for conducting such research.

¹ So in original. Probably should be “Department”.

(b) Apportionment of appropriated funds

Funds appropriated under subsection (a) of this section for any fiscal year shall be apportioned as follows:

(1) Four per centum shall be retained by the Department of Agriculture for administration, program assistance to the eligible institutions, and program coordination.

(2) Forty-eight per centum shall be distributed among the several States in the proportion that the value of and income to producers from domestic livestock and poultry in each State bears to the total value of and income to producers from domestic livestock and poultry in all the States. The Secretary shall determine the total value of and income from domestic livestock and poultry in all the States and the proportionate value of and income from domestic livestock and poultry for each State, based on the most current inventory of all cattle, sheep, swine, horses, and poultry published by the Department of Agriculture.

(3) Forty-eight per centum shall be distributed among the several States in the proportion that the animal health research capacity of the eligible institutions in each State bears to the total animal health research capacity in all the States. The Secretary shall determine the animal health research capacity of the eligible institutions with the advice, when available, of the Board.

(c) Development of program for each State

In each State with one or more accredited colleges of veterinary medicine, the deans of the accredited college or colleges and the director of the State agricultural experiment station shall develop a comprehensive animal health and disease research program for the State based on the animal health research capacity of each eligible institution in the State, which shall be submitted to the Secretary for approval and shall be used for the allocation of funds available to the State under this section.

(d) Use of excess funds

When the amount available under this section for allotment to any State on the basis of domestic livestock and poultry values and income exceeds the amount for which the eligible institution or institutions in the State are eligible on the basis of animal health research capacity, the excess may be used, at the discretion of the Secretary, for remodeling of facilities, construction of new facilities, or increase in staffing, proportionate to the need for added research capacity.

(e) Reallocation of funds to new colleges of veterinary medicine

Whenever a new college of veterinary medicine is established in a State and is accredited, the Secretary, after consultation with the dean of such college and the director of the State agricultural experiment station and, where applicable, deans of other accredited colleges in the State, shall provide for the reallocation of funds available to the State pursuant to subsection (b) of this section between the new college and other eligible institutions in the State, based on the animal health research capacity of each eligible institution.

(f) Joint establishment or support of accredited regional college of veterinary medicine

Whenever two or more States jointly establish an accredited regional college of veterinary medicine or jointly support an accredited college of veterinary medicine serving the States involved, the Secretary is authorized to make funds which are available to such States pursuant to subsection (b)(2) of this section available for such college in such amount that reflects the combined relative value of and income from domestic livestock and poultry in the cooperating States, such amount to be adjusted, as necessary, pursuant to the provisions of subsections (c) and (e) of this section.

(Pub. L. 95-113, title XIV, §1433, Sept. 29, 1977, 91 Stat. 1003; Pub. L. 97-98, title XIV, §1429, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, §1414(b), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, §1601(b)(1), Nov. 28, 1990, 104 Stat. 3703.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-624 substituted “for each of the fiscal years 1991 through 1995,” for “annually for the period beginning October 1, 1981, and ending September 30, 1990.”

1985—Subsec. (a). Pub. L. 99-198 substituted “1990” for “1985”.

1981—Subsec. (a). Pub. L. 97-98 substituted “as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed \$25,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year” for “, not to exceed \$25,000,000 annually, as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3198, 3199, 3311 of this title; title 40 section 483.

§ 3196. Research on national and regional animal health or disease problems**(a) Authorization of appropriations**

There are authorized to be appropriated such funds as Congress may determine necessary to support research on specific national or regional animal health or disease problems, but not to exceed \$35,000,000 for each of the fiscal years 1991 through 1995, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year.

(b) Duration of grants

Notwithstanding the provisions of section 3197 of this title, funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to eligible institutions.

(c) Establishment of annual priority lists for allocation of funds

In order to establish a rational allocation of funds appropriated under this section, the Sec-

retary shall establish annually priority lists of animal health and disease problems of national or regional significance. Such lists shall be prepared after consultation with the Joint Council, the Advisory Board, and the Board. Any recommendations made in connection with such consultation shall not be controlling on the Secretary's determination of priorities. In establishing such priorities, the Secretary, the Joint Council, the Advisory Board, and the Board shall consider the following factors:

- (1) any health or disease problem which causes or may cause significant economic losses to any part of the livestock production industry;
- (2) whether current scientific knowledge necessary to prevent, cure, or abate such a health or disease problem is adequate; and
- (3) whether the status of scientific research is such that accomplishments may be anticipated through the application of scientific effort to such health or disease problem.

(d) Assignment of priorities for grants

Without regard to any consultation under subsection (c) of this section, the Secretary shall, to the extent feasible, award grants to eligible institutions on the basis of the priorities assigned through a peer review system. Grantees shall be selected on a competitive basis in accordance with such procedures as the Secretary may establish.

(e) Distribution of multiyear grants

In the case of multiyear grants, the Secretary shall distribute funds to grant recipients on a schedule which is reasonably related to the timetable required for the orderly conduct of the research project involved.

(Pub. L. 95-113, title XIV, § 1434, Sept. 29, 1977, 91 Stat. 1004; Pub. L. 97-98, title XIV, § 1430, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, § 1414(c), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, § 1601(b)(2), Nov. 28, 1990, 104 Stat. 3703.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-624 substituted “for each of the fiscal years 1991 through 1995,” for “annually for the period beginning October 1, 1981, and ending September 30, 1990.”

1985—Subsec. (a). Pub. L. 99-198 substituted “1990” for “1985”.

1981—Subsec. (a). Pub. L. 97-98, § 1430(a), substituted “as Congress may determine necessary to support research on specific national or regional animal health or disease problems, but not to exceed \$35,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year” for “, not to exceed \$15,000,000 annually, as Congress may determine necessary to support research on specific national or regional animal health or disease problems”.

Subsec. (b). Pub. L. 97-98, § 1430(b), substituted provisions that funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to eligible institutions for provisions that such funds shall be allocated by the Secretary to eligible institutions for work to be done, as mutually agreed upon between the Secretary and the eligible institution or institutions and that the Secretary shall consult the Board in developing plans for the use of these funds whenever possible.

Subsecs. (c) to (e). Pub. L. 97-98, § 1430(c), added subsecs. (c) to (e).

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3200, 3311 of this title.

§ 3197. Availability of appropriated funds

Funds available for allocation under the terms of this subchapter shall be paid to each State or eligible institution at such times and in such amounts as shall be determined by the Secretary. Funds shall remain available for payment of unliquidated obligations for one additional fiscal year following the year of appropriation.

(Pub. L. 95-113, title XIV, § 1435, Sept. 29, 1977, 91 Stat. 1004.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3196 of this title.

§ 3198. Withholding of appropriated funds

If the Secretary determines that a State is not entitled to receive its allocation of the annual appropriation under section 3195 of this title because of its failure to satisfy requirements of this subtitle or regulations issued under it, the Secretary shall withhold such amount. The facts and reasons concerning the determination and withholding shall be reported to the President; and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress does not direct such sum to be paid, it shall be carried to surplus.

(Pub. L. 95-113, title XIV, § 1436, Sept. 29, 1977, 91 Stat. 1004.)

§ 3199. Requirements for use of funds

With respect to research projects on problems of animal health and disease to be performed at eligible institutions and supported with funds allocated to the States under section 3195 of this title, the dean or director of each eligible institution shall cause to be prepared and shall review proposals for such research projects, which contain data showing compliance with the purpose in section 3191 of this title and the provisions for use of funds specified in section 3195(a) of this title, and with general guidelines for project eligibility to be provided by the Secretary with the advice, when available, of the Board. Such research proposals that are approved by the dean or director shall be submitted to the Secretary prior to assignment of funds thereto with a brief summary showing compliance with the provisions of this subtitle and the Secretary's general guidelines.

(Pub. L. 95-113, title XIV, § 1437, Sept. 29, 1977, 91 Stat. 1004.)

§ 3200. Matching funds

No funds in excess of \$100,000, exclusive of the funds provided for research on specific national

or regional animal health and disease problems under the provisions of section 3196 of this title, shall be paid by the Federal Government to any State under this subchapter during any fiscal year in excess of the amount from non-Federal sources made available to and budgeted for expenditure by eligible institutions in the State during the same fiscal year for animal health and disease research. The Secretary is authorized to make such payments in excess of \$100,000 on the certificate of the appropriate official of the eligible institution having charge of the animal health and disease research for which such payments are to be made. If any eligible institution certified for receipt of matching funds fails to make available and budget for expenditure for animal health and disease research in any fiscal year sums at least equal to the amount for which it is certified, the difference between the Federal matching funds available and the funds made available to and budgeted for expenditure by the eligible institution shall be reapportioned by the Secretary among other eligible institutions of the same State, if there are any which qualify therefor, and, if there are none, the Secretary shall reapportion such difference among the other States.

(Pub. L. 95-113, title XIV, §1438, Sept. 29, 1977, 91 Stat. 1005.)

§ 3201. Funds appropriated or otherwise made available pursuant to other provisions of law

The sums appropriated and allocated to States and eligible institutions under this subchapter shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to such States and institutions pursuant to other provisions of law.

(Pub. L. 95-113, title XIV, §1439, Sept. 29, 1977, 91 Stat. 1005.)

**SUBCHAPTER VI—1890 LAND GRANT
COLLEGE FUNDING**

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3103, 3124a of this title.

§ 3221. Extension at 1890 land grant colleges, including Tuskegee Institute

(a) Authorization of appropriations

There are authorized to be appropriated annually such sums as Congress may determine necessary to support continuing agricultural and forestry extension at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including Tuskegee Institute (hereinafter in this section referred to as "eligible institutions"). Beginning with the fiscal year ending September 30, 1979, and ending with the fiscal year ending September 30, 1981, there shall be appropriated under this section for each fiscal year an amount not less than 4 per centum of the total appropriations for such year under the Act of May 8, 1914 (38 Stat. 372-374, as amended; 7 U.S.C. 341-349): *Provided*, That the amount appropriated for the fiscal year ending September 30, 1979, shall not be less than the amount made available for the fiscal year ending September

30, 1978, to such eligible institutions under section 3(d) of the Act of May 8, 1914 (38 Stat. 373, as amended; 7 U.S.C. 343(d)). Beginning with the fiscal year ending September 30, 1982, there shall be appropriated under this section an amount not less than 5½ per centum, and for each fiscal year thereafter an amount not less than 6 per centum of the total appropriations for such year under the Act of May 8, 1914 (7 U.S.C. 341 et seq.), and related acts pertaining to cooperative extension work at the land-grant institutions identified in the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.). Funds appropriated under this section shall be used for expenses of conducting extension programs and activities, and for contributing to the retirement of employees subject to the provisions of section 331 of this title. No more than 20 per centum of the funds received by an institution in any fiscal year may be carried forward to the succeeding fiscal year.

(b) Allocation and distribution of appropriated funds

Beginning with the fiscal year ending September 30, 1979—

(1) any funds annually appropriated under this section up to the amount appropriated for the fiscal year ending September 30, 1978, pursuant to section 343(d) of this title, for eligible institutions, shall be allocated among the eligible institutions in the same proportion as funds appropriated under section 343(d) of this title for the fiscal year ending September 30, 1978, are allocated among the eligible institutions; and

(2) any funds appropriated annually under this section in excess of an amount equal to the amount appropriated under section 343(d) of this title, for the fiscal year ending September 30, 1978, for eligible institutions, shall be distributed as follows:

(A) A sum equal to 4 per centum of the total amount appropriated each fiscal year under this section shall be allotted to the Extension Service of the Department of Agriculture for administrative, technical, and other services, and for coordinating the extension work of the Department of Agriculture and the several States.

(B) Of the remainder, 20 per centum shall be allotted among the eligible institutions in equal proportions; 40 per centum shall be allotted among the eligible institutions in the proportion that the rural population of the State in which each eligible institution is located bears to the total rural population of all the States in which eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and the balance shall be allotted among the eligible institutions in the proportion that the farm population of the State in which each eligible institution is located bears to the total farm population of all the States in which the eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated.